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POST COLD WAR ROLE OF  
THE UNITED NATIONS SECURITY COUNCIL

BY

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USAWC MILITARY STUDIES PROGRAM PAPER

POST COLD WAR ROLE OF THE UNITED  
NATIONS SECURITY COUNCIL

AN INDIVIDUAL STUDY PROJECT

by

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## ABSTRACT

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On the 2nd of August 1990, Iraq invaded Kuwait, occupied it and subsequently annexed it. This act of aggression was immediately condemned by the United Nations Security Council and most of the International Community. The Security Council in an unprecedented unanimity adopted resolution 660 (1990) condemning the invasion and demanded the immediate and unconditional withdrawal of Iraq from Kuwait. Between August 2 and November 29, 1990, the Security Council adopted 12 resolutions on the crisis. The leading role of the UN in the crisis created a wave of euphoria about the renewed ability of the Council in settling international disputes.

This paper examines the history of the United Nations peace-keeping operations and its attempt at enforcement actions in the Middle East and Korea. The effect of the Cold War on the ability of the Council to agree on enforcement actions in the past are also examined. East/West confrontation during the Cold War was a major hindrance to effective decision making at the Security Council. With the collapse of the Cold War, the UN seems to have gained a new lease on life as was demonstrated in tackling the Gulf crisis. The first major tests of the post Cold War Security Council were the Gulf crisis and the 'Temple Mount Killings.' An examination of the various debates during the two crises shows that, although the permanent members of the Council were willing to work together in solving the crises, this was due only to the fact that their interests in energy (oil) were threatened. However, the inability of the Council to establish a truly UN force to implement its decision indicates that the collapse of the Cold War does not translate into unanimity of action. There are competitions still if not outright confrontation between the countries of the West and East.

The analysis shows that the euphoria on the renewed abilities of the Security Council are premature. Threat to the vital interest of the major powers will continue to dictate how effective the Council will be in the future.

If the UN Security Council is to perform its functions as contained in the charter, there must be a removal of the veto powers of the present permanent members. There should also be an increase in the numbers of permanent members to reflect geographic and Third World representation.

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## REFERENCE MATERIALS

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- A. Chapter VII of the UN Charter.
- B. Article 47 of Chapter VII, UN Charter.

# POST COLD WAR ROLE OF THE UNITED NATIONS SECURITY COUNCIL

## CHAPTER 1

### INTRODUCTION AND BACKGROUND

On the 2nd of August 1990, Iraq invaded Kuwait, overthrew the Emir and the legitimate government and imposed its own government on the people. A few days later it annexed the territory as a province of Iraq. This act of aggression elicited an immediate response from the United Nations Security Council which condemned the aggression and called for the immediate and unconditional withdrawal of Iraqi forces along with the restoration of the legitimate government of Kuwait.<sup>1</sup> The United States of America was in the vanguard of this unprecedented, and apparently unanimous act of the United Nations. For the first time in recent memory the UN Security Council acted quickly and in unison on an issue of perceived threat to international peace and security.

Following on this UN action and the unilateral actions of some of the permanent members of the Security Council, notably the United States, the United Kingdom and France, an economic embargo was put in place to punish Iraq and hopefully force her to withdraw from Kuwait.<sup>2</sup> The USSR and China, the other two permanent members of the Security Council, while not committing forces to enforce the blockage, have largely cooperated in enforcing the embargo. The present crisis in the Gulf Region has proved that if the permanent members of the Security Council desire to enforce international peace and security, they can.

The issue that arises therefore as a result of this unprecedented action by the UN Security Council is whether this type of response will become a permanent feature of the Council.<sup>3</sup> If that is the case, and judging from statements of most members since the events in the Gulf in support of the Security Council response it is the case, then there is a need to examine the UN Security Council's role in ensuring international peace and security in the world. This paper will therefore attempt to examine the UN Security Council and the Military Staff Committee (MSC) to see if there can indeed be a future effective post Cold War role for the Council and the Committee.

#### The Demise of the Cold War.

Most commentators on the role of the UN Security Council in this crisis have attributed the apparent unanimity of the Security Council, particularly the permanent members, to the fact that the Cold War between East and West had collapsed. There is no doubt that superpower rivalry and East-West competitions affected to a large extent decisionmaking at the UN. The various powers of the East and West had their areas of influence in the world and therefore took positions on issues according to those interests rather than objectively. As a result, the veto powers of the permanent members were employed too often to block and frustrate the attempts of the Security Council. For example, in the first 22 years of the Security Council, 1946-67,<sup>4</sup> 109 vetoes were used. In the early years of the UN, the majority of those 109 vetoes were cast by the USSR. But since January 1965

through November 1977, both the United Kingdom and the United States have cast more vetoes than the USSR.<sup>5</sup> This voting pattern reflects the nature of issues that were before the Security Council at the different times. During the earlier period of the UN, issues that were before the Security Council included matters such as the admission of new members particularly newly independent states in Africa and Asia. The USSR vetoed the application of some states for membership to ensure that membership of the UN was not overwhelmingly in favor of countries pro-West as was likely to be the case with newly independent states. Vetoes were also used during the discussion of conflicts in various parts of the world, for example, Palestine in 1948, Kashmir - 1965, Indo-China, Cuban Missile Crisis, Arab-Israeli war of 1967, Rhodesia, Cyprus, Czechoslovakia, Northern Ireland, etc. As can be seen from the list, almost all of the permanent members of the Security Council had either direct or indirect interest in all of those conflicts. The United States and the Soviet Union had competing interests in the Palestinian issue as did the Soviet Union and the United Kingdom. The Chinese were directly involved in the Indo-Chinese conflict; the USA and USSR in the Cuban Missile Crisis; the UK in the Rhodesian independence crisis, Cyprus, and Ulster (Northern Ireland). This direct involvement by the permanent members in various crises hampered the smooth functioning of the UN Security Council. On the whole, therefore, East-West competition and interest took precedence over issues and objectivity in determining the effectiveness of the UN Security Council.

With the collapse of the Cold War, a security vacuum now seems to have been created concerning those states that took refuge under Soviet or Chinese security umbrellas. The check and balance that this arrangement provided in the world order was exposed to abuse. This situation of flux coincided with Iraq's invasion of Kuwait. The USSR was in the process of reducing its commitment to client states to include Iraq while on the other hand, the United States was giving mixed signals to Iraq with regards to the latter's relationship with Kuwait. The result of this phenomenon in my view is the encouragement of more regional conflicts such as the Iraqi invasion and occupation of Kuwait. The deterrence posed by East-West competition and sponsorship of surrogates is now greatly weakened. Therefore rather than creating an environment of peace in the world, the collapse of the Cold War will encourage minor interstate conflicts particularly in Third World countries. How these conflicts can be managed and checked will, I believe, depend largely on some form of collective security - the type envisioned in the UN Charter. The chances, therefore, of the major powers agreeing to such an arrangement under the UN Security Council is much higher today if there is sincerity on all sides.

The Current Mood. Events since the Iraqi invasion of Kuwait and the response of the Security Council seem to indicate that the major powers, particularly Western Powers, appear prepared to try to give substance to the idea of UN collective security. The United States is in the leadership position in the resolution of

the present crisis. In all its public pronouncements, it has appealed to the world community to join together in this "defining moment"<sup>6</sup> in history to fashion a new UN and a new world order.

The first thing that the U.S. did after its own national response to the invasion of Kuwait was to rally around members of the UN Security Council to pass a resolution condemning the invasion and demanding the unconditional withdrawal of Iraq from Kuwait. This resolution was adopted with 14 votes in favor, none against, none abstaining, and one no vote.<sup>7</sup> The passing of this resolution is historic when viewed in the context of Iraq as a close ally of the USSR and therefore, had the crisis occurred before the collapse of the Cold War, one would have at best expected an abstention from the USSR during the voting. Perhaps it was the blatant nature of the Iraqi invasion, that caused such a cohesive response, but I believe that the post-Cold War environment had more to do with it than the mere fact that it was an invasion. After all, there have been other invasions in the past but they did not attract the same response by the Council.

In examining the demise of the Cold War and its effect on the UN Security Council decisionmaking, it is also important to consider the effect of economic pressure and expediency on the USSR. The USSR is going through very difficult economic times and badly needs the economic and financial support of the USA in particular and the West in general. This factor has definitely contributed to the role of the USSR in this crisis. The Soviet Union's calculation is that it could sacrifice Iraq, look more

acceptable to the West and in the process acquire badly needed aid.

Another major consideration or perhaps gamble of the USSR in this post-Cold War period is a strategy that will divert Western resources in a war while at the same time provide the Soviets with additional resources to catch up economically with the West. If the West is encouraged to squander its resources in a war in the Gulf, the conclusion is that the Soviet Union will not need to spend on military hardware and can therefore concentrate on improving its economy.

With increasing popular discussion in the USSR as a result of both perestroika and glasnost, the Gulf crisis has come as a blessing in disguise to be exploited by cracking down on internal unrest. Now that the attention and resources of the West are concentrated in the Gulf, the USSR has calculated, and rightly so, that opposition from the West to its internal crackdown in the USSR will be restricted to a weak condemnation. Since the West needs to continue to have the USSR's support or at best noninterference in the Gulf, it cannot afford to risk a more drastic measure against her. Such a measure could immediately trigger a response by the USSR that could result in a stalemate in the Gulf, thereby prolonging the crisis, with a heavy price paid to the Western alliance both in human and material resources.

The conclusion is that the apparent end of the Cold War has provided an environment for an association of strange bedfellows to the temporary advantage of both the East and West and the

detriment of Iraq in particular and the Gulf and Middle East region in general. The current mood calls for expedient cooperation between the East and West but it does not eliminate competition. On the whole, whether or not the so-called 'defining moment' will result in a new world order, depends on how the superpowers in particular come out of the crisis. If there is a perception on the part of the Soviet Union that it was outmaneuvered by the United States and its Western allies, the chances of it cooperating in the future to the degree it did this time will be diminished.

## CHAPTER 2

### THE UNITED NATIONS SECURITY COUNCIL

#### BASIC FACTS

Establishment. The UN Security Council derives its existence from the Charter and articles of the UN.<sup>8</sup> Chapter V<sup>9</sup> of the UN Charter (See Appendix A) deals with the composition, functions and power of the Security Council.

Powers and Function. The Charter of the UN has conferred on the Security Council the primary responsibility for maintaining international peace and security as contained specifically in Article 24 of the Charter. Article 24 virtually delegates the most important role of the UN to the Security Council by stating that:

to ensure prompt and effective action by the UN, its members confer on the Security Council primary responsibility for maintenance of international peace and security.<sup>10</sup>

It further states that in carrying out this function "the Security Council acts on their behalf."<sup>11</sup>

These powers conferred on the Security Council of the UN indeed make it the "Policeman" of the world. It is empowered to investigate any dispute brought before it or for that matter any dispute, situation or crisis that might lead to a threat to international peace and security (Article 34).<sup>12</sup> Similarly, the powers enable the Security Council to impose economic sanctions (Article 41),<sup>13</sup> or take military action by air, sea

or land to maintain or restore international peace and security (Article 42).<sup>14</sup> It should be noted, however, that the use of force or what is generally referred to as enforcement action has been employed in only two instances. These were in the Korean situation and in the Gulf crisis. It is also worth pointing out that in both cases the use of force was authorized by the Security Council but implemented by member countries "on behalf" of the UN. In the case of Korea, the military operations, though under a unified command of the United States, were carried out under the UN flag. The Gulf War on the other hand has drifted further away from that symbolic acceptance of UN authority - the UN flag, as the countries involved in prosecuting the war with UN authority operated under national flags. As we will see later, this phenomenon might impact on the overall future role of the Security Council in the post-Cold War era.

Other functions of the Security Council involve primarily procedure and administration. Such functions include recommending to the General Assembly the appointment of a Secretary General (Article 97),<sup>15</sup> election of members of the International Court of Justice, and formulation of plans with the assistance of the Military Staff Committee for the establishment of disarmament.

Membership. According to Article 23(1)<sup>16</sup> the UN Security Council shall consist of fifteen members of the United Nations. Five of the members viz China, France, the USSR, the UK and the

USA are permanent members.<sup>17</sup> The remaining ten members are elected by the General Assembly to serve for a period of two years each. The rotation is worked out in such a way that only five of the nonpermanent members are elected every year.

When the original Charter of the UN was signed in 1945, only five permanent members and six nonpermanent members made up the Security Council. Later the nonpermanent members were increased from six to ten in resolution 1991-A of 1963.<sup>18</sup> Resolution 1991-A also specified a geographic representation for the ten nonpermanent members as follows:

- Five members from Africa and Asia
- One from East Europe
- Two from Latin America
- Two from West Europe and other States

The ratio of membership of the Security Council to the membership of the UN in general is approximately 15 to 155. This means that the Security Council which is about 10 percent of the total membership decides the most crucial issues for the UN. This leads to a form of control of the system by the Security Council, particularly by the five permanent members. However, that is a topic for another paper.

## CHAPTER 3

### THE SECURITY COUNCIL AND PEACEKEEPING

The original proposals for establishing UN Forces as laid down in the UN Charter, Chapter VII <sup>19</sup> owe their origin to the U.S. proposals made at Dumbarton Oaks<sup>20</sup> which in turn owe their origin to the French proposals at the Disarmament Conference in 1932.<sup>21</sup> Essentially, these proposals called for agreements between the permanent members of the Security Council and other members under Article 43.<sup>22</sup> The UN concept of collective security provides for member nations to contribute standing forces which could be called upon by the Security Council to participate in UN military operations. Such operations of the United Nations are to be organized and monitored by the Military Staff Committee established by Article 47.<sup>23</sup> The Committee "shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives" and is to be responsible for the strategic direction of any armed forces placed at the disposal of the Security Council.

In 1946 the Committee was charged with the responsibility of working out the details of how Article 43 would be applied. But due to the Cold War situation that had developed during the post-World War II era, it was literally impossible to come up with any working solution. The Committee, however, submitted to the Security Council in April 1947 a report that contained a set of general principles governing the organization of any armed forces that would be made available to the Security Council by member nations of the United Nations.

It should be noted that although the word "peacekeeping" was not mentioned in the UN Charter, the word has since evolved as a compromise due to the inability of the Security Council to come to agreement on the modus operandi of implementing Article 43 of the UN Charter. There was a lot of rivalry and suspicion among the permanent members of the Security Council regarding UN operations. The first major test of the system came in 1948 in Palestine. During the Security Council discussions on the crisis, a great deal of distrust existed between the USA and USSR which prevented their joint action in Palestine.

Although the USA had concluded that due to post-World War II demobilization it didn't have enough troops to serve in the area, the thought of the USSR having "troops under UN auspices in the highly sensitive Middle East,"<sup>24</sup> made the U.S. contrive to abort the operations as originally conceived. This gave rise to the compromise position that represents the evolution of UN peacekeeping in general today.

United Nations Truce Supervision Organization (UNTSO). Arising from the compromise agreement on the crisis in Palestine, the first UN peacekeeping effort was therefore the United Nations Truce Supervision Organization in Palestine (UNTSO) in 1948. UNTSO was not really a peacekeeping operation since there were no troops per se involved. The mission was more of a truce supervision and the organization consisted of selected civilian officers from Belgium, France and the United States. Although in

later years, the UNTSO was expanded to include military officers as observers.

Korea. It is important to briefly mention the United Nations action in Korea because that action closely resembles the trend of action in the current crisis in the Gulf Region. It will be recollected that on 25 June 1950 the USA informed the United Nations Security Council that North Korean forces had invaded the South.<sup>25</sup> In a meeting of the UN Security Council held that same day, the Council adopted a resolution calling for the immediate cessation of hostilities and the withdrawal of North Korean troops to the 38th Parallel. The United Nations Commission, then already in Korea, was mandated to monitor and report on compliance with this resolution. Two days later, on June 27, 1950, the Security Council again met to discuss the report of the UN Commission in Korea. The result of this meeting was the passing of a resolution in which the UN approved that member States provide "such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."<sup>26</sup> It should be noted that the USSR was conveniently absent during the meeting and therefore did not vote.<sup>27</sup> The significance of this is that since the Cold War was still very much in place there was every possibility that the USSR could have applied its veto to thwart what was obviously an American-sponsored resolution designed to give legitimacy and mandate to the USA to use its forces which had already been deployed to fight the North Koreans in the area.

Subsequent resolutions of the United Nations Security Council enabled the U.S. to form a multinational force under a U.S. unified command and acting under the UN flag to confront the North Koreans. The result of the action in Korea is not to be classified as a UN peacekeeping operation since the force was not established as envisaged in Article 43. The nature of the Korean action has continued to raise numerous arguments for and against the classification of the Korean campaign as a UN peacekeeping operation.

#### United Nations Emergency Force (UNEF).

The first truly UN peacekeeping operation is therefore the United Nations Emergency Force (UNEF), 1956-67. UNEF was established as a result of the military action of Israel in the first instance and later Israel, France and the United Kingdom against Egypt. The force was to secure cessation of hostilities, supervise the cease fire, ensure withdrawal of British, French and Israeli forces and patrol the border between Egypt and Israel. It should also be noted that UNEF was established by a General Assembly resolution due to the inability of the Security Council to act.<sup>28</sup> The force was established by the United Nations right from inception and therefore was not a question of a ratification of a fait accompli as was the case in Korea. Troops were contributed by different countries after a general request to member nations by the Secretary General of the United Nations. A military officer, Lt. Gen. Burns of Canada, was appointed its first commander.

Since the establishment of UNEF, other United Nations peacekeeping operations ranging from the Congo Operations (ONUC) 1960-64 to United Nations forces in Lebanon (UNIFIL) 1978-date, have been set up by the United Nations while the most recent operations under UN authorization is the ongoing Gulf War.

## CHAPTER 4

### THE SECURITY COUNCIL AND THE GULF CRISIS

Since the events of the Gulf Crisis started in August 1990, the UN Security Council has been a beehive of activity. To date twelve resolutions have been passed to force Iraq to withdraw from Kuwait. The most relevant one to this study being resolution 678 (1990)<sup>29</sup>, part of which states:

Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

On the 16th of January 1991 at the expiration of the UN deadline to Iraq to withdraw from Kuwait, a coalition force led by the USA attacked Iraq under the cover of UN authorization as contained in Res. 678 to liberate Kuwait and restore the legitimate government headed by the Emir.

Events at the Security Council that preceeded the current war with Iraq give the impression that the U.S.-led coalition had no intention of creating a UN force per se but rather were seeking an authority for their actions under UN umbrella. After the invasion of Kuwait by Iraq on August 2, 1990, the United States condemned the action along with other nations and worked to have the UN Security Council pass a resolution demanding the unconditional withdrawal of Iraqi forces from Kuwait. The USA then proceeded in a bilateral arrangement with Saudi Arabia to deploy troops in Saudi Arabia to defend Saudi Arabia and deter further aggression.

As the crisis in the Gulf escalated, the USA in the forefront with the Security Council alongside continued to table resolution after resolution in an attempt to coerce the Iraqi government into withdrawal from Kuwait. Constant diplomatic consultations were made by the U.S. Secretary of State, James Baker, to gain support of the members of the Security Council for the various resolutions. The kind of support that emerged gave the impression that there was unanimity among members except in a few instances when Cuba and Yemen voted against or abstained. China also abstained during the vote on the "use of force" resolution. Figure 1 illustrates the voting pattern with regard to the resolutions on the Gulf Crisis.

Voting in the Security Council. The voting pattern of the members of the Security Council is a subject for major study. There are therefore many ways to examine this subject. The aim of this paragraph will be to examine briefly the voting pattern of the members of the current Security Council with particular reference to the Gulf Crisis and events in Palestine. Although it is difficult to clearly deduct from the speeches of the representatives, the exact motives of the various member countries prior to voting, I will offer some of my own analysis and conclusions.

### Current Composition of the Security Council.

The Security Council is currently composed of the five permanent members: China, France, United Kingdom, United States, the Soviet Union and ten other members as follows:<sup>30</sup>

- Canada
- Colombia
- Cote d'Ivoire
- Cuba
- Ethiopia
- Finland
- Malaysia
- Romania
- Yemen
- Zaire

Voting Pattern on the Gulf Crisis. Two out of the five members of the Security Council, the United Kingdom and the United States, have been in the forefront of the "coalition" and the United Nations effort to counter Iraq's invasion of Kuwait. Most of the resolutions were sponsored by the major Western powers (See Figure 2) and supported by other countries. The procedure for bringing forward an issue for consideration by the Security Council is that one or more members of the Security Council will sponsor a resolution on behalf of the interested party. This means that issues can only be discussed by the Security Council if the matter is brought before the Council by one of the members, and the President of the Council agrees to put forward the issue on the agenda. A lot of backroom negotiations go on before issues are brought forward before the Security Council. Therefore, if a President of the Council does not want an issue discussed, he can delay tabling it and frustrate its sponsors. This was the case with the draft resolution on the situation in

the occupied Arab territories which was never brought before the Council during the month when the Permanent Representative of the United States was president of the Council.<sup>31</sup> The issue was delayed until the Permanent Representative of Yemen assumed the presidency of the Council. And even when the issue was tabled for discussion efforts were further made to postpone its discussion. The Colombian delegate and member of the Council in frustration said:<sup>32</sup>

We are convinced that it is not really a question of four days of negotiations: more than a month has passed since a draft resolution was submitted; more than 15 days have passed since we requested a meeting of the Security Council to consider that draft resolution formally.

Similarly, during the debate on the postponement of the same issue, the Cuban delegate and member of the Council stated:<sup>33</sup>

having said that, I wish to point out that the proposal made by the representative of the Soviet Union appears to be legitimate, for any member of the Council has the right to put forward any motion in accordance with the established rules. It is the same right that we four countries had when two weeks ago we asked the President to convene a meeting - which indeed has not yet been convened - to consider the draft resolution that is before us.

The President of the Council at the time, and also a co-sponsor of the resolution, in his own account of events stated:<sup>34</sup>

Certain events took place on 8 October this year in Al-Quds which claimed the lives of 20 Palestinians. The Secretary-General then presented his report on 31 October. On 8 November we had the first version of the draft resolution whose last version we have before us now; on 26 November the first amended version was put forward, and today the Council has before it the second amended version. The Council will notice that there is a great difference between the final version and the first one as a result of the spirit of cooperation and concession displayed by the sponsors of the draft resolution.

The point to note here is that the issue that was before the Council had to do with events that took place in Jerusalem, Israel, in which approximately 20 Palestinians were killed by the Israeli police and for which the Council was trying to find an appropriate response. The United States delegate was the President of the Council at the time that the Secretary General's report was submitted. A draft resolution was then submitted to him, after the usual 'due consultations,' to enable him to bring it forward before the Council. But as can be seen, he thwarted such efforts because of the special relationship between Israel and the United States. Once again, this is a demonstration that the national interests of the major powers outweigh their international responsibilities as reflected in their performance in the Security Council.

#### Debate on the Iraqi Invasion of Kuwait.

The two major issues to come before the UN Security Council in the aftermath of the cold war were the Gulf Crisis and the 'Temple Mount Killings'<sup>35</sup> in Israel. With regard to the Gulf crisis in which oil, a vital interest of the major powers was apparently threatened, the Security Council was able to work together and produce one resolution after another to force Iraq out of Kuwait. Indeed within one week - 2 to 9 August 1990, three resolutions were passed by the Council. Between August and November 1990 a total of 12 resolutions beginning with Resolution 660<sup>36</sup> of 2 August 1990 to 678<sup>37</sup> of 29 November 1990, were issued. Resolution 660 relating 'inter alia' to the Council's

condemnation of the Iraqi invasion of Kuwait was adopted by a vote of 14 in favor and none against. This was closely followed 4 days later by Resolution 661 of 6 August 1990 which imposed a total embargo on Iraq.

Other resolutions followed in quick succession with little or no opposition, as can be seen in the voting pattern in Figure 1. The Council eventually took the unprecedented step of "declaring war" by authorizing member States "to use all necessary means to uphold and implement resolution 660 (1990).<sup>38</sup> Never before in the history of the UN has such a resolution authorizing the use of all necessary means to enforce its decisions been passed. The only case closely resembling the present situation, was the Korean situation. Even the Korean situation can be described as legitimizing a 'fait accompli.' This is because U.S. troops were already engaged in warding off the North Korean attacks before the UN force was established under unified command of the United States. Resolution 678 (1990), on the other hand, authorizes States to take premeditated military action individually or collectively and only "requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 of the present resolution."<sup>39</sup>

The Permanent Representative of Iraq in the UN in his presentation before the Council, tried to highlight the implications of the use of force as was implied in the draft Resolution 678 (1990). He said:

For under the Charter of the United Nations any use of force is deemed to be an act of aggression, save for three exceptional cases. The first case comes under Article 51 and involves self-defence. Here the use of force is limited to the period until the Security Council is seized of the matter. Beyond that, any use of force must be deemed to be an act of aggression. In the second case, the Security Council can act if sanctions adopted in accordance with Article 41 prove to be ineffective or unenforceable. In such a case the Council can act collectively under Article 42 and can use force in accordance with a mechanism provided for in Article 43. In other words, in this case only collective action under the command and control of the Security Council, in coordination with the Military Staff Committee, can lead to the use of force against any country, and no individual Member State may be authorized to lynch a particular country for any reason.

The third of the three cases to which I have referred arises under Article 106 of the Charter. When the Security Council fails to reach special agreements with Member countries to have forces of those countries put under Security Council command, the four countries that signed the Moscow Declaration of October 1943, together with France, and in consultation with the Members of the United Nations, can undertake joint action against any country.<sup>40</sup>

The dangerous implications of Resolution 678 is that the UN was authorizing the use of force by Member States without a provision for the Council to monitor or control such force. The argument that the post-cold war UN would be stronger and act as originally conceived is immediately defeated by this first major test of the post-Cold War Security Council. The Security Council, instead of taking charge of the situation, decided to abdicate its responsibilities to individual States.

The Military Staff Committee that should have been charged with the responsibilities of planning and supervising any military action was all but forgotten during the entire crisis. The only time that the Security Council considered it necessary

to mention the Military Staff Committee was in Resolution 665 relating to measures to ensure implementation of Resolution 661.

Paragraph 4 of Resolution 665 states:

Further requests the States concerned to coordinate their actions in pursuit of the above paragraphs of this resolution using as appropriate mechanisms of the Military Staff Committee and after consultation with the Secretary-General to submit reports to the Security Council and its Committee established under resolution 661 (1990) to facilitate the monitoring of the implementation of this resolution;<sup>41</sup>

The deduction that can be arrived at from this unusual action of the Security Council is that in the backroom negotiations preceeding the open Council debate, the permanent members could not all agree on the use of force under the UN umbrella. Indeed during the debate on Resolution 678 (1990) on the floor of the Security Council, the following members had this to say:

- Permanent Representative of Yemen:

Today the Security Council has before it a draft resolution in effect authorizing States to use force in order to ensure compliance with those resolutions. In the annals of the United Nations this will long be remembered as the "war resolution."

First, the draft resolution before us does not exclude the use of force and is so broad and vague that it is not limited to the purpose of enforcing implementation of the 10 resolutions on the Gulf crisis adopted by the Security Council. Hence, it will be up to those States with military forces in the area to decide on the prerequisites for the restoration of international peace and security in the region, which might well lead to a military confrontation on a larger scale.

If such a catastrophe should ever occur, then the new world order, which is a source of hope in the future, would be wrecked at the very outset through this grave military escalation in the region, especially if force is used outside the authority of the Security Council.

This would be in the cards because those who advocate it enthusiastically do not do so from a desire to uphold the interests of Kuwait but rather to destroy Arab capabilities and tilt the scales in furtherance of Zionism's objectives and expansionist policies.<sup>42</sup>

- Permanent Representative of Cuba:

No one can escape the reality that the unleashing today, with the announced authorization of the Security Council, of unwanted conflict would be the worst expression of the equivocal role the United Nations could assume in future if it follows this path. Cuba is not willing to assume that historical responsibility.<sup>43</sup>

- The Foreign Minister of Malaysia:

Malaysia would like to make it clear that our support for resolution 678 (1990) is not without reservations. The authorization of force, in the eventuality that Iraq still does not comply within the time frame specified, can only be taken under the terms of the Charter of the United Nations. We have not agreed to any attempt unilaterally to apply Article 51 of the Charter once the Security Council is seized of the matter. In this regard, we have always insisted on the centrality of the United Nations role in the maintenance of international peace and security. Any proposed use of force must be brought before the Council for its prior approval, in accordance with the specific provisions of Chapter VII of the Charter. We regret that this point is not clearly reflected in this resolution, a precedent that may not bode well for the future. When the United Nations Security Council provides the authorization for countries to use force, these countries are fully accountable for their actions to the Council through a clear system of reporting and accountability, which is not adequately covered in resolution 678 (1990).

It must be underlined that this resolution does not provide a blank check for excessive and indiscriminate use of force. The Council has certainly not authorized actions outside the context of its resolutions 660 (1990), 662 (1990) and 664 (1990). Malaysia warns against any action purportedly taken under this resolution that would lead to the virtual destruction of Iraq.<sup>44</sup>

The British Foreign Minister:

By 15 January - the date in this resolution - the aggression will be nearly six months old. So will the suffering of Kuwait and of most of our hostages. No one can accuse the Council of impatience. The military option is reality, not bluff; if it has to be used, it will be used with the full backing of the Council.<sup>45</sup>

The Secretary of State of the USA:

We must not let the United Nations go the way of the League of Nations. We must fulfill our common vision of a peaceful and just post-cold-war world.<sup>46</sup>

The Secretary General of the UN:

The world has not had an experience of enforcement provisions under Chapter VII being used in the manner and on the scale in which they are in the present crisis. Now that they are actually applied, the United Nations is being subjected to an unprecedented test. It needs to demonstrate that the way of enforcement is qualitatively different from the way of war; that as such action issues from a collective engagement, it requires a discipline all its own; that it strives to minimize undeserved suffering to the extent humanly possible, and to search for solutions for the special economic problems confronted by States arising from the carrying out of enforcement measures; that what it demands from the party against which it is employed is not surrender but the righting of the wrong that has been committed; and that it does not foreclose diplomatic efforts to arrive at a peaceful solution consistent with the principles of the Charter and the determinations made by the Security Council.<sup>47</sup>

- The Foreign Minister of China:

We in principle are not in favor of military involvement in the gulf by big Powers, for such involvement will only make the situation even more complicated. We call on the countries concerned to exercise maximum restraint so as to prevent further deterioration of the situation. Use of force in any name is unacceptable to us.

We have voted in favor of the Security Council resolutions in the belief that they are aimed at promoting a political settlement of the Gulf crisis by peaceful means.

- The Foreign Minister of the Soviet Union:<sup>48</sup>

I cannot fail to mention the fact that from the very start of the crisis, the Soviet Union has placed the main stress in its policy on collective efforts based on full use of the rights and capabilities of the United Nations and on the need to resolve the crisis through nonmilitary, political and diplomatic methods. We note with satisfaction that this approach is shared here within the United Nations as well.<sup>49</sup>

As can be seen from all the quotations above, there was considerable difference among members of the Council on the use of force. The Chinese foreign minister, in an interview after the Council's debate on use of force, said that the reason why China decided it best to abstain was due to their experience in the Korean crisis. He alluded to the fact that the UN was used by the U.S. as a cover to engage in hostilities against the North Koreans. It was no surprise, therefore, that Resolution 678 was not explicit on the use of force. The wordings of Resolution 678 (1990) which advocates the "use of all necessary means" stopped short of actually using the word "force" thereby enabling member States to interpret the resolution as they wished. This again is the typical Security Council shirking its responsibilities. The hope of a new post-cold war Security Council that will replace the superpowers and provide a common front against aggression is once more dashed by its inability to establish a UN force under the Council.

#### Debate on the Temple Mount Killings

The inability of the Council to deal decisively with the issue of the 'Temple Mount Killings', even in the wake of the euphoria of the success of the Council on the Gulf Crisis, is indication that not much has changed in the UN.

Finally, one can come to the conclusion that the post-Cold War UN Security Council has only managed to overcome the subjectivity of taking positions based on East-West confrontation but has not grown to be the policeman of the world. Although the UN Charter has provided the international community with the means to achieve peace and security, these means have not been used.

The tool available to the UN for ensuring international peace and security is the Security Council. The Security Council in turn has the Military Staff Committee to assist it in that task. How has the Military Staff Committee fared in this first post-cold war test?

## CHAPTER 5

### THE MILITARY STAFF COMMITTEE

#### BASIC FACTS AND COMMENTS

Establishment. The Military Staff Committee (MSC) was established by Article 47<sup>50</sup> of the Charter (Appendix B) of the UN to "advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security." The article envisages that if military action is to be taken by the Council, it would use the Military Staff Committee on all questions relating to "the employment and Command of forces placed at its disposal." However, in the history of the UN peacekeeping operations, the Military Staff Committee has never functioned as originally conceived in its establishment in Article 47 of the charter. The article as regards composition of the committee, states that it "shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives." This provision was to further ensure the supremacy of the Security Council and by implication the five permanent members with veto powers. This principle was challenged by the lesser powers at San Francisco,<sup>51</sup> but the conference overruled the challenge on the grounds that a larger body would be unwielding. The British were the ones that argued "most firmly that the UN's top brass should be provided only by the permanent members."<sup>52</sup> Subsequently, a provision was made allowing for nonpermanent members of the Council to be associated with the work of the Committee if "the efficient discharge of the

Committee's responsibilities" so requires it. The effective result of this provision is that there can be no opposing view representing lesser powers when military operations are being planned to "ensure international peace and security" in the world. Ironically, this crisis-torn world is likely to be that of the lesser powers. Nevertheless, this anomaly has not been solely responsible for the lack of performance of the Military Staff Committee. Efforts are still being made to increase the number of permanent members of the Security Council. In light of current events, it is hoped that the proposal currently making the rounds in the UN, which if approved, will increase the permanent membership of the Security Council will see the light of day. If this proposal is approved, Brazil from South America, Germany from Europe, India and Japan from Asia, and Nigeria from Africa, could become permanent members of the Security Council. This will give more confidence to all countries and enable the Council to take decisions which are not seen as biased in favor of the developed world.

Functions. Article 47 states clearly that the Military Staff Committee "shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council." It further states with regard to the command of such a force that "questions relating to the command of such forces shall be worked out subsequently." It is here in this provision of "command" that the crux of the problem lies. None of the permanent members, particularly the

superpowers--USA and USSR, were ready to place troops of their country under the command of the other irrespective of the conditions. To do so was to expose to the potential enemy the strengths and weaknesses of their forces. This clearly was unacceptable. In 1946 the MSC was charged with the task of working out the modalities which under Article 43 called for the UN member States to make available armed forces to the Security Council. For the better part of that year, 1946, very senior officers to include "General Matthew Ridgway of America, Air Chief Marshal Sir Guy Garrod of Britain, General Pierre Billotte of France, Generals Vasilieu and Sharapov of Russia, General Ho of China"<sup>53</sup> and other officers met and worked into the next year, submitting their report in April. They were deadlocked on 16 points. The core of the deadlocked issues concerned the ratio of the contribution of troops and the overall strength of the force. To date the Council has not been able to act on the report. However, the great powers have not given up on their pretense that the Security Council and the MSC can still be of some use. As a result, meetings of the MSC have as a result continued to be held from time to time when the great powers need to demonstrate their willingness to threaten use of force under the Council's authority.

#### The MSC and the Gulf Crisis.

As a result of the Gulf Crisis, the need for the MSC has once again been brought to the limelight. It is believed that proposals regarding an enhanced MSC and a possible UN standing

force are now being circulated for debate by the Security Council.<sup>54</sup> The argument is that with the end of the cold war, it would be possible to get the MSC off the ground to enable it to perform its functions as contained in Article 47. It should be noted, however, that the impeding factors in the past were not due solely to the Cold War environment. Difficulties bordered more on competition among the great powers irrespective of East or West linkages. Those competitions remain today and in the foreseeable future. The issues also concern command, funding, ratios of contributions and generally subjugation of sovereignty of nations to the UN. These issues will remain. Similarly, on other issues such as disarmament, the MSC has not been able to take charge. Although the UN has established the general framework for disarmament, more progress has been made in bilateral agreements between the USA and USSR than under UN auspices.

The Gulf Crisis has presented the best opportunity for the post-Cold War UN to establish a standing UN force which will be overseen by the MSC to handle international crisis requiring the use of force. All of the forces currently in the coalition of forces against Iraq should have been grouped under one UN command. The planning and conduct of the operations should have been under the MSC. Various studies have been done regarding the establishment of a permanent UN force. There are a lot of difficulties involved in such a proposal. These range from finance, composition, logistics, command and control, etc. It is not possible to examine these points but suffice it to say that

once the idea is agreed to in principle, the details can be worked out. Regrettably, however, it would seem that the opportunity created by the Gulf crisis to create a truly UN force has been missed and the MSC sidelined.

Indeed, the only reference to the Military Staff Committee throughout the Gulf Crisis has been in Resolution 665 (1990)<sup>55</sup> in which "States concerned" were requested to coordinate their actions to enforce the embargo by using "appropriate mechanisms of the Military Staff Committee." The paragraph in question states as follows:

Further requests the States concerned to coordinate their actions in pursuit of the above paragraphs of this resolution using as appropriate mechanisms of the Military Staff Committee and after consultation with the Secretary-General to submit reports to the Security Council and its Committee established under resolution 661 (1990) to facilitate the monitoring of the implementation of this resolution;<sup>56</sup>

The wording appears to be a feeble attempt to give the impression that the Security Council rather than the 'coalition forces' was in charge. How else can it be viewed when one considers that there are no agreed, working mechanisms of the Military Staff Committee? Attempts by the writer to obtain current proposals on making the Committee functional and effective were thwarted on the basis of classification.

## CHAPTER 6 .

### CONCLUSIONS AND RECOMMENDATIONS

The United Nations, particularly the Security Council, has once again attracted world attention. This is not unusual in times of major international crisis. However, most nations this time are hopeful that the members of the Security Council will rise above East-West confrontation to make the body an effective tool for maintaining international peace and security. This assumption has been fueled by the so-called collapse of communism and by implication of an East-West confrontation. The world has been too quick to come to this conclusion based on the early euphoria associated with the collapse of communism.

The Gulf Crisis and the 'Temple Mount Killings' have provided the first post-cold war test for the Security Council. The Council has tried to mobilize most of the world in condemning the invasion of Kuwait by Iraq, but could not go all the way to establish a truly UN force to implement its resolutions. Also, the Council, in delaying action and watering down its resolution concerning the 'Temple Mount Killings', has further given credence to the belief that things have not really changed.

Another opportunity to give strength to the Military Staff Committee has been missed. By not assigning any meaningful role to the Military Staff Committee in the Gulf War, the UN has been effectively kept out of the resolution of the crisis. As a result, the UN which is supposed to ensure peace and security has authorized war and is in no position to determine the outcome of the war.

In my own view and based on all the evidence presented, I have come to the conclusion that the UN Security Council has failed its first major post-cold war test. I arrive at this conclusion because rather than resolve peacefully a threat to international peace and security, the Security Council it has established a precedence for resorting to force to solve international crisis. It has failed its first major test because it has continued to apply double standards in the resolution of crisis as was clearly the case with the Council's resolution concerning the 'Temple Mount Killings.' The Council rather than go all the way to insist on using "all means" to force a UN investigation commission on Israel as contained in the resolution, footdragged and let the matter die due to the pressures of some of the permanent members.

The suspicions and distrust between the developed and developing worlds as reflected in the debate and voting pattern during the Gulf Crisis suggests a clear indication that the new confrontation in the UN will shift from East-West to North-South.

As long as the permanent membership of the Security Council is not increased to reflect all views, the chances are that the Council will not change dramatically in its role of peacekeeper.

A pattern seems to have been established by the Security Council which suggests that:

a. Conflicts directly involving the permanent members of the Security Council and others outside the Council be solved without any involvement of the Council. Some examples include:

- (1) Soviet invasion of Czechoslovakia.

- (2) Soviet invasion of Afghanistan.
- (3) United States invasion of Granada.
- (4) United States invasion of Panama.
- (5) United Kingdom operations in the Falklands.
- (6) French operations in Chad.
- (7) Vietnam War.
- (8) Belgian, French and U.S. operations in Zaire.

b. Conflicts between developing nations that do not directly threaten the national interests of any permanent members of the Council, attract limited UN action in the form of peacekeeping operations. Some examples include:

- (1) Turkish invasion of Cyprus.
- (2) Israeli-Arab wars of 1967 and 1973.
- (3) Israeli invasion of Lebanon.
- (4) Indo-Pakistani War.
- (5) Iran-Iraq War.

c. Conflicts, irrespective of the belligerents and location that threaten directly the interest of any of the permanent members of the Security Council, attract drastic action under the cover of UN authorization. Examples include:

- (1) Korean War.
- (2) Gulf War

Finally, in my view and based on all the evidence available, the Security Council has not been able to rise beyond the interests of the permanent members. The euphoria on the new role of the Council is misplaced. I do not see the UN and particularly the Security Council being able to maintain

international peace and security as enshrined in the Charter unless it is willing to make some fundamental changes.

Some of these changes would include the following:

a. Establishment of a permanent UN force under the direction, control and supervision of the Security Council on behalf of the entire UN body.

b. Establishment of a functional Military Staff Committee fully staffed as provided for in the charter to act on behalf of the Security Council.

c. Ensuring that all forces employed in a conflict as a result of UN authorization are directly controlled by the Council.

d. Increasing the permanent membership of the Security Council to reflect a broader geographic spread and representatives of developed and developing nations. This is to ensure that decisions are balanced and reflect all views.

e. Eliminate the use of the veto and encourage a two-thirds majority vote for decision-making in the Council.

To conclude, I believe that the post-cold war environment is ideal for strengthening the UN and the Security Council to perform their roles as contained in the UN charter. I believe that the future path to maintaining international peace and security lies in collective efforts as reflected in the UN charter. If those obstacles highlighted in this paper can be eliminated, then I foresee a positive and effective role in the future for the UN Security Council. However, and unfortunately,

current events and attitudes have not indicated that the euphoria associated with the UN's role in the present Gulf Crisis will outlive the conflict and enhance the post-cold war role of the Security Council.

## ENDNOTES

1. The United Nations Security Council met on 2 August 1990 and discussed Iraq's invasion of Kuwait. It was during that meeting that Resolution 660 (1990) was adopted demanding the immediate and unconditional withdrawal of Iraq from Kuwait.

2. The UN Security Council met on 6 August 1990 and imposed an economic embargo on Iraq. This was adopted in Resolution 661 (1990) of 6 August 1990.

3. "Council" refers to the United Nations Security Council throughout the paper.

4. Andrew Boyd, Fifteen Men on a Powder Keg, A History of the U.N. Security Council, 1971, p. 83.

5. Davidson Nicol, The United Nations Security Council, Towards Greater Effectiveness, 1982, p. 104.

6. The President of the United States and his top Government officials have consistently used the phrase "defining moments" to mark the period of the Gulf Crisis as a turning point in post cold war history.

7. United Nations Department of Public Information DPI/1104-41090, United Nations Security Council Resolutions Relating to the Crisis in the Gulf, November 1990, p. I.

8. Nicol, p. 149.

9. Ibid., p. 155.

10. Ibid., p. 156.

11. Ibid.

12. Ibid., p. 158.

13. Ibid., p. 160.

14. Ibid.

15. Ibid., p. 173.

16. Ibid., p. 155.

17. China means The People's Republic of China.

18. Nicol, p. 3.

19. Chapter VII of the UN Charter deals with "action with respect to threats to the peace, breaches of the peace, and acts of aggression." It consists of a total of 13 Articles viz Articles 39-51.

20. D. W. Bowett, United Nations Forces, A Legal Study, 1964, p. 12.

21. Ibid.

22. Charter of the United Nations and Statute of the International Court of Justice, UN Pub, Aug. 1971, pp. 23, 24.

23. Ibid., pp. 25, 26.

24. David W. Wainhouse, International Peacekeeping at the Crossroads, National Support-Experience and Prospects, 1973, p. 8.

25. Bowett, (United Nations Forces, A Legal Study, 1964), p. 29.

26. Ibid., p. 31.

27. The debate on the use of force under USA command was stalemated and the USSR deliberately went for a walk during voting to avoid having to either use its veto against the resolution or risk directly abandoning its ally, North Korea.

28. Bowett, p. 30.

29. DPI/1104-41090, p. 3.

30. The composition of the Security Council as shown reflects the membership of the Council for the period August 1990 to January 1991.

31. The United States permanent representative was President of the Council for the month of November 1990.

32. United Nations Security Council S/PV. 2966, Provisional Verbatim Record of The Two Thousand Nine Hundred and Sixty-Sixth Meeting, 8 December 1990, p. 11.

33. Ibid., p. 12.

34. Ibid., p. 21.

35. The events referred to as the "Temple Mount Killings" relate to the incident that took place on 8 October 1990 in Al-Quds in which 20 Palestinians were killed by Israeli Police.

36. DPI/1104-41090, p. 3.
37. United Nations Security Council S/Res/678 (1990), Resolution 678 (1990), 29 November 1990, pp. 1-2.
38. Ibid., p. 1.
39. Ibid., p. 2.
40. United Nations Security Council S/PV. 2963, Provisional Verbatim Record of the Two Thousand Nine Hundred and Sixty-Third Meeting, 29 November 1990, pp. 19-21.
41. DPI/1104-41090, p. 6.
42. S/PV. 2963, p. 32.
43. Ibid., pp. 59-60.
44. Ibid., pp. 76-77.
45. Ibid., p. 82.
46. Ibid., p. 6.
47. United Nations Security Council S/PV. 2943, Provisional Verbatim Record of the Two Thousand Nine Hundred and Forty-Third Meeting, September 1990, p. 7.
48. Ibid., pp. 49-50.
49. Ibid., p. 76.
50. Nicol, p. 161.
51. Norman Bentwich and Andrew Martin, A Commentary on the Charter of the United Nations, 1950, p. 102.
52. Boyd, p. 79.
53. Ibid.
54. Details of the proposals are not available to the public as these are currently classified.
55. DPI/1104-41090, pp. 5-6.
56. Ibid., p. 6.

## BIBLIOGRAPHY

- Bailey, Sydney Dawson. Voting in the Security Council.  
Bloomington: Indiana University Press, 1969.
- Becker, Benjamin Max. Is the United Nations Dead? Philadelphia:  
Whitmore Publishing Co., 1969.
- Bentwich, Norman De Mattos. A Commentary on the Charter of the  
United Nations. London: Routledge & Paul, 1950.
- Bowett, D. W. United Nations Forces: A Legal Study. With the  
assistance and collaboration of G. P. Barton [and others].  
New York: Praeger, 1964.
- Boyd, Andrew. Fifteen Men on a Powder Keg: A History of the  
U.N. Security Council. New York: Stein and Day, 1971.
- Dallin, Alexander. The Soviet Union at the United Nations: An  
Inquiry into Soviet Motives and Objectives. New York:  
Praeger, 1962.
- Lall, Arthur S. The Security Council in a Universal United  
Nations. New York: Carnegie Endowment for International  
Peace, 1971.
- Naidu, Mumulla Venkat Rao. Collective Security and the United  
Nations: a definition of the UN security system. New  
York: St. Martin's Press, 1975.
- Nicol, Davidson (with Margaret Croke [and] Babatunde Adeniran).  
The United Nations Security Council: towards greater  
effectiveness. New York: UNITAR, 1982.
- O'Neill, Jack. The Politics of Security Council Peacekeeping  
Decisions, 1967.
- Stoessinger, John George. The United Nations and the  
Superpowers: United States-Soviet interaction at the  
United Nations (with the assistance of Robert G. McKelvey).  
New York: Random House, 1965.
- United Nations. Charter of the United Nations and Statute of  
the International Court of Justice. New York: Office of  
Public Information, United Nations, 1968.
- United Nations. Security Council Provisional Verbatim Record of  
the Two Thousand Nine Hundred and Forty-Third Meeting.  
S/PV. 2943. New York: 1990.

United Nations. Security Council Provisional Verbatim Record of the Two Thousand Nine Hundred and Sixty-Third Meeting. S/PV. 2963. New York: 1990.

United Nations. Security Council Provisional Verbatim Record of the Two Thousand Nine Hundred and Sixty-Sixth Meeting. S/PV. 2966. New York: 1990.

United Nations. Security Council Resolution 678 (1990). S/Res/678 (1990). New York: 1990.

United Nations. United Nations Security Council Resolutions Relating to the Gulf Crisis. DPI/1104-41090. United Nations Department of Public Information. New York: 1990.

Wainhouse, David Walter. International Peacekeeping at the Crossroads: national support--experience and prospects (with the assistance of Frederick P. Bohannon, James E. Knott [and] Anne P. Simons. Baltimore: Johns Hopkins University Press, 1973.

## APPENDIX A

### CHAPTER VII

#### ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

##### Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

##### Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

##### Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

##### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined actions shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council

#### Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## APPENDIX B

### Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

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4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

# UN SECURITY COUNCIL VOTING PATTERN RELATING TO THE GULF CRISIS

S.NO	COUNTRY	660	661	662	664	665	666	667	669	670	674	677	678
1.	CHINA	*	X	X	X	X	X	X	X	X	X	X	O
2.	FRANCE	*	X	X	X	X	X	X	X	X	X	X	X
3.	SOVIET UNION	*	X	X	X	X	X	X	X	X	X	X	X
4.	UNITED KINGDOM	*	X	X	X	X	X	X	X	X	X	X	X
5.	UNITED STATES	*	X	X	X	X	X	X	X	X	X	X	X
6.	CANADA		X	X	X	X	X	X	X	X	X	X	X
7.	COLOMBIA		X	X	X	X	X	X	X	X	X	X	X
8.	COTE D'IVOIRE		X	X	X	X	X	X	X	X	X	X	X
9.	CUBA		X	O	X	X	O	#	X	X	O	X	#
10.	ETHIOPIA		X	X	X	X	X	X	X	X	X	X	X
11.	FINLAND		X	X	X	X	X	X	X	X	X	X	X
12.	MALAYSIA		X	X	X	X	X	X	X	X	X	X	X
13.	ROMANIA		X	X	X	X	X	X	X	X	X	X	X
14.	YEMEN		-	O	X	X	O	#	X	X	O	X	#
15.	ZAIRE		X	X	X	X	X	X	X	X	X	X	X

FIGURE 1

## LEGEND:

\* = Permanent Member

X = in favor

# = against

O = abstaining

- = nonparticipation

SPONSORSHIP OF UN SECURITY COUNCIL RESOLUTIONS RELATING  
TO THE GULF CRISIS

S.	NO	RES	SPONSORS
1.	660	Canada, Colombia, Cote d'Ivoire, Ethiopia, Finland, France, Malaysia, UK, USA	
2.	661	Canada, Colombia, Cote d'Ivoire, Ethiopia, Finland, France, Malaysia, UK, USA, Zaire	
3.	662	Prepared in the course of the Council's consultations.	
4.	664	Prepared in the course of the Council's consultations.	
5.	665	Canada, Cote d'Ivoire, Finland, France, UK, USA, Zaire	
6.	666	Canada, Finland, France, Soviet Union, United Kingdom, United States	
7.	667	Canada, Cote d'Ivoire, Finland, France, UK, Zaire	
8.	669	Prepared in the course of the Council's consultations.	
9.	670	Canada, Cote d'Ivoire, Finland, France, Romania, Soviet Union, UK, USA, Zaire	
10.	674	Canada, Finland, France, Romania, Soviet Union, UK, USA, Zaire	
11.	677	Canada, Romania, UK	
12.	678	Canada, France, Romania, Soviet Union, UK, USA	

FIGURE 2